

I note with some regret that our statute picks up language from S.J. Res. 1 denying victims a civil cause of action for damages in the event that their rights are violated. Allowing victims to vindicate their rights through separate civil proceedings instead of through mandamus actions in the criminal case could well be a more efficient as well as a more effective way of ensuring that victims' rights are honored. Certainly the prospect of being sued would provide a powerful incentive to take victims' rights seriously. But the Republican sponsors of the bill did not want to provide for damages.

Similarly, some Republican Senators did not want to allow courts to appoint attorneys to help crime victims. It is my hope and belief that victims will seldom need representation, since they already have powerful advocates in our public prosecutors. Still, it is possible that a judge would want to appoint an attorney for a victim in an extraordinary case, as for example if there is a material conflict between the victim's interests and the interests of the prosecution. By failing to provide for this possibility, our new bill may perpetuate a system of unequal justice for victims, where the wealthy have the benefit of counsel, and the poor do not.

Finally, I want to comment on the unusual genesis of this bill, and the extraordinary procedure that I expect it will follow in the Senate. As I mentioned earlier, the Senate was scheduled to begin work this week on the proposed constitutional amendment, S.J. Res. 1. On Wednesday, the Republican leadership moved to invoke cloture on the motion to proceed. I would not have opposed this motion. I voted to proceed to an earlier iteration of this constitutional amendment 4 years ago, and I would have been prepared to proceed to it again this week. Given the time this would take and the expected outcome, it could be argued that the Senate already has many pressing matters on its agenda, but I would not have opposed a debate on the constitutional amendment.

Given the Republican leadership's insistence on proceeding to the constitutional amendment this week, there has not been as much time as I would have liked to craft the statutory alternative that we introduce today. And because this bill will come to a vote almost immediately, we will not get to hold hearings on it and polish the text in Committee. I would have liked to get the views of the Office for Victims of Crime. Many victims' groups and domestic violence organizations opposed the constitutional amendment, as did many law professors, judges, and prosecutors. I would have liked to hear their views on this statute. I am concerned that the statute may not adequately address the special problems raised in domestic violence and abuse situations. Fortunately, however, this is a statute, not a constitutional amendment, and it can be modified with relative ease if the need arises.

I commend my good friend, Senator FEINSTEIN, for mediating this consensus legislation. I know that she would have preferred to pass a constitutional amendment—she has made that clear. Nevertheless, she worked hard to produce a bill that we all can support, showing once again that she is first and foremost a legislator who wants to get things done. Due in large part to Senator FEINSTEIN's efforts, we now have an opportunity to advance the cause of victims' rights with strong, practical, bipartisan legislation. I have never doubted Senator FEINSTEIN or Senator KYL's commitment to victims' rights. I am delighted that we have come together to advance that common cause.

Over more than 20 years I have sponsored and championed legislation to help victims. I have mentioned the recent September 11 Victim Compensation Fund, and I am also proud of such other advancements on behalf of victims as a law to provide assistance to victims of international terrorism, and bills to raise the cap on victims' assistance and compensation programs and to protect the rights of the victims of the Oklahoma City bombing. The legislation that we introduce today should provide us the opportunity to make progress on yet another important measure to address the needs of victims, and I urge my colleagues to support it.

By Mr. BROWNBACK (for himself, Mr. TALENT, and Mr. ALLEN):

S.J. Res. 33. A joint resolution expressing support for freedom in Hong Kong; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, today I introduce, along with my colleagues Senator TALENT and Senator ALLEN, an important resolution regarding recent developments in Hong Kong. Hong Kong has been a great friend of the United States, a key ally in the war on terrorism and an invaluable trading partner. In recent weeks, however, it has become increasingly clear that Beijing will stand in the way of Hong Kong's development into a full democracy. Such actions compel support from the members of this body.

The Hong Kong Policy Act of 1992 sets forth the guidelines for the U.S. relationship with Hong Kong. It provides for a very special and distinct relationship with the Hong Kong Special Administrative Region, even as we recognize the Hong Kong is a part of China. This special relationship rests on the notion that Hong Kong will be governed differently than the rest of China.

Unfortunately, Beijing continues to suggest that it has no intention of realizing Hong Kong's democratic potential. Recent decisions by the Standing Committee of the National People's Congress push direct election of Hong Kong's Chief Executive into the future. Hong Kong's Legislative Counsel faces

a similar fate. Some observers even suggest Beijing will wait another 30 or 40 years to allow universal suffrage in the selection of executive and legislative office holders to become a reality. By then, the 50 year special arrangement will be near expiration, threatening everything the people of Hong Kong have achieved.

I traveled to Hong Kong in January. My Subcommittee on East Asia and Pacific Affairs held a hearing last month where we heard testimony from Hong Kong's leading democracy advocates. A clear message emerges from everyone with whom I have spoken on this issue: Hong Kong is ready for full democracy. The people have demonstrated the ability to create a vibrant society and they deserve universal suffrage and the ability to participate fully in the functions of government.

The resolution I submit today is simple. It recognizes the recent report from the State Department dealing with the U.S.-Hong Kong relationship. It highlights Hong Kong's autonomy as envisioned by the Hong Kong Policy Act, and it highlights the unfortunate steps taken in Beijing to frustrate Hong Kong's democratic development. As the resolution says, Congress ought to declare "that the people of Hong Kong should be free to determine the pace and scope of constitutional developments" and that anything less violates the vision of democracy set forth in the 1984 Joint Declaration signed by Great Britain and the People's Republic of China.

When Martin Lee came to testify about the importance of democratic development in March, Beijing referred to him as a dreamer. They meant it as an insult, but Mr. Lee embraces the label as he looks to a future of freedom in Hong Kong. This body can make a powerful statement of support for Martin Lee's democratic dreams by passing this resolution, and I hope they will move quickly to do so.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 21, 2004, at 2 p.m. to conduct a hearing on the nominations of the Honorable Romolo A. (Roy) Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development; Mr. Dennis C. Shea, of Virginia, to be Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development; and Ms. Cathy M. MacFarlane, of Virginia, to be Assistant Secretary for Public Affairs, Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 21, 2004 at 9:30 a.m. to hold a hearing on Iraq Transition: Civil War on Civil Society (II).

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 21, 2004, at 9:30 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a business meeting on S. 344, a bill expressing the policy of the United States regarding the United States' Relationship with Native Hawaiians and to provide a process for the recognition by the United States of Native Hawaiian governing entity, and for other purposes; and S. 1721, a bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes, to be followed immediately by a hearing on S. 297, the Federal Acknowledgement Process Reform Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. HATCH. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 216 of the Hart Senate Office Building, Wednesday, April 21, from 10 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, April 21, at 2:30 p.m. in room SD-366.

The purpose of the hearings is to receive testimony on implementation of the recreation fee demonstration program by the Forest Service and Bureau of Land Management, and on policies related to the program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. MURRAY. Mr. President, on behalf of Senator HARKIN, I ask unanimous consent that Natalie Dupecher of his staff be granted the privilege of the floor for the duration of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—
H.R. 3550

Mr. FRIST. Mr. President, in a moment I will propound a unanimous consent request with respect to the highway bill, but first let me explain to everybody where we are. We passed our

version of the bill in the Senate on February 12 by an overwhelming majority, 76 to 21. Subsequent to that, the House passed their bill, H.R. 3550, on April 2 by, again, an overwhelming majority of 357 to 65. That bill is now at the desk.

Therefore, I ask unanimous consent that the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further that all after the enacting clause be stricken and the text of S. 1072, as passed, be inserted in lieu thereof; the bill then be read a third time and passed; further, the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate, with a ratio of 11 to 10.

The PRESIDING OFFICER. Is there objection?

The assistant Democratic leader.

Mr. REID. Reserving the right to object, Mr. President, this is legislation I really understand. Senator INHOFE and a couple others worked hard to get this legislation passed. I would say, initially, this legislation could not have passed but for the support, under some very difficult times, of the majority leader. I commend him for his outward support and inward support. He supported us openly on the Senate floor and in all of the discussions we had off the Senate floor. I am very grateful for that.

We have a very fine bill. The House bill is a bill that is OK. It is not as good as ours. But let me say this. We were moving along just fine on this legislation until, for reasons unknown to most people, the President said he is going to veto the bill if it is more than X number of dollars. Keep in mind that this legislation that passed the Senate does not create a single new tax. A vast majority of the money comes out of the trust fund to take care of this. It takes care of highways and transit—a good bill. It would create more than a million new jobs—high-paying jobs—directly.

So I say to my friend, the distinguished majority leader, I believe if conferees were appointed tonight what we would do is the Senate would designate staff people to work on this bill with the House people. I would suggest—and I don't care what it is called; call it whatever you want to call it—our staffs should start working on this legislation.

It is obvious, because the Speaker has indicated why he does not want this bill. He said he does not want his Members to have to cast a tough vote. Mr. President, 357 to 65—I served in the House. I know how many votes it takes to override a veto. Over here I know how many votes it takes to override a veto. This bill is a good bill, and the majority of the House and the Senate would vote to override the President's veto. I believe the President, when confronted with the facts of what good legislation this is, would not veto the bill anyway, with the need for creating jobs. But I would hope the majority leader would allow the staffs to begin

working on this to see if we can get to a point where a conference committee can be appointed. I want this bill to pass. I think it is something that needs to pass for our country. But I would hope we don't get in a position where our staffs can't work on this. I am sure the majority leader knows the staffs have already had one productive meeting. We could have a couple more and maybe get to the point where the majority leader would be satisfied that the staffs are doing the right thing, in his estimation. I would be happy to talk to my distinguished leader. He knows my interest in this bill. Hopefully, we would get it passed.

I apologize, this late in the evening, for talking as long as I have. But I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, we are in a unique situation, as you just heard explained quite well. This is a bill I very much want. It is a nonpartisan bill about which this body has spoken very loudly. I appreciate the leadership of my colleague from Nevada on this bill. We are very proud of the product we have produced. My whole intention of coming to the floor, which is the normal process, to appoint conferees, Republican and Democratic conferees, is to continue in an orderly fashion and bring the bill to completion so it is law, not just a bill. We passed it February 12. The House passed it on April 2. We passed two extensions of the previous highway bill already and the deadline for the next temporary extension will be next Friday. We will have to do it once again.

I am working very hard so we can have a conference committee, and we can't have a conference committee until we have conferees. It is time to act on the highway bill.

As the distinguished assistant Democratic leader said, over a million, and I would say 2 million, new jobs will be created by this bill. It is vital to our economy. It is vital to the Nation's infrastructure. Regular order would be for us to appoint conferees. We will continue to work, having heard the objection, in regular order which, in my mind, would accelerate passage of the bill. We will continue to work with the other side, although I am disappointed we cannot proceed with this regular order. But I am committed to the bill. The assistant Democratic leader is. Over 70 Members of this body are. So we will continue to work diligently in that regard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session